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**JUL 22 2005**

Atty Docket No. 021989-000411US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner in Charge

Group Art Unit 1648

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER IN CHARGE**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

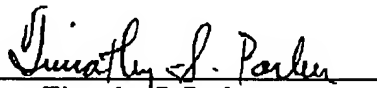
I hereby certify that the following documents in re Application of David S. Burt, et al. , Application No. 10/771,737, filed February 3, 2004 for PROTEOSOME INFLUENZA VACCINE are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Form PTO/SB/21
2. Information Disclosure Statement
3. Forms PTO/SB/08A,B

Number of pages being transmitted, including this page: 7

Dated: July 22, 2005

  
Timothy S. Parker

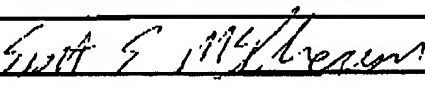
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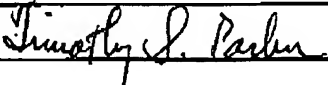
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 858-350-6100  
Fax: 415-576-0300  
60544592 v1

PTO/SB/21 (09-04)

<b>TRANSMITTAL FORM</b>	Application Number	10/771,737	
	Filing Date	February 3, 2004	
	First Named Inventor	Burt, David S.	
	Art Unit	1648	
	Examiner Name		
(to be used for all correspondence after initial filing)			
Total Number of Pages in This Submission	6	Attorney Docket Number	021989-000411US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Forms PTO/SB/08A,B
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Scott E. McPherson		
Date	July 22, 2005	Reg. No.	53,307

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (571) 273-8300 on July 22, 2005.			
Signature			
Typed or printed name	Timothy S. Parker	Date	July 22, 2005

60544682v1

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**PATENT**  
Attorney Docket No.: 021989-000411US

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On July 22, 2005

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TOWNSEND and TOWNSEND and CREW LLP

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

David S. Burt, et al.

Application No.: 10/771,737

Filed: February 3, 2004

For: PROTEOSOME INFLUENZA  
VACCINE

Examiner:

Art Unit: 1648

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/788,280, filed February 15, 2001, now issued U.S. Patent No. 6,743,900 B2 (Attorney Docket No. 021989-000411US).

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

David S. Burt, et al.  
Application No.: 10/771,737  
Page 2

PATENT

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, because this submission is prior to the issuance of a first Office Action on the merits.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Scott E. McPherson  
Reg. No. 53,307

TOWNSEND and TOWNSEND and CREW LLP  
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PTO/SB/ORA (08-03)

Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	10/771,737	
			Filing Date	February 3, 2004	
			First Named Inventor	Burt, David S.	
			Art Unit	1648	
			Examiner Name		
Sheet	1	of	3	Attorney Docket Number	021989-000411US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-4,707,543	11/1987	Zollinger, et al.	
	AB	US-6,728,292	03/1998	Lowell	
	AC	US-6,716,837	02/1998	Anselem, et al.	
	AD	US-5,961,970	10/1999	Lowell, et al.	
	AE	US-5,985,284	11/1999	Lowell	
	AF	US-6,478,201	11/2002	Lowell, et al.	
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			
	AM	US-			
	AN	US-			
	AO	US-			
	AP	US-			
	AQ	US-			
	AR	US-			
	AS	US-			
	AT	US-			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	AU	PCT	WO97/10844		03/1997			<input type="checkbox"/>
	AV	PCT	WO98/01558		01/1998			<input type="checkbox"/>
	AW	PCT	WO95/11700		05/1995			<input type="checkbox"/>
	AX							<input type="checkbox"/>
	AY							<input type="checkbox"/>
	AZ							<input type="checkbox"/>
	BA							<input type="checkbox"/>
	BB							<input type="checkbox"/>

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08B (08-03)

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete If Known</b>			
		Application Number	10/771,737		
		Filing Date	February 3, 2004		
		First Named Inventor	Burt, David S.		
		Art Unit	1648		
		Examiner Name			
Sheet	2	of	3	Attorney Docket Number	021889-000411US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	BC	Barchfield, et al. <i>Vaccine</i> (1999) 17:695-704	
	BD	Benyedidia, et al. <i>Letters in Peptide Science</i> (1998) 5(5-6):341-344	
	BE	Berstad, et al. <i>Vaccine</i> (2000) 18:1910-1919	
	BF	Dalseg, R., et al. <i>Vaccines</i> (1999) 17:2336-2345	
	BG	Gluck, et al. <i>J. Infect. Dis.</i> (2000) 181:1129-1132	
	BH	Hashigucci, et al. <i>Vaccine</i> (1996) 14:113-119	
	BI	Levi, R., et al. <i>Vaccine</i> (1995) 13:1353-1359	
	BJ	Lowell, G.H., et al. <i>J. Exp. Med</i> (1998) 167:858-883	
	BK	Lowell, G.H., et al. <i>Science</i> (1985) 240:800-802	
	BL	Lowell, G.H., et al. in: <i>New Generation Vaccines</i> . 2nd ed.. Marcel Dekker, Inc. New York, Basil, Hong Kong (1997) pp.193-206	
	BM	Lynch, E.C., et al. <i>Biophys. J.</i> (1984) 45:104-107	
	BN	McGhee, et al. <i>J. Immunol.</i> (2000) 165:4778-4782	
	BO	Plante, et al. <i>Abstracts of the General Meeting of the American Society for Microbiology.</i> (2000) 100:297	
	BP	Slavik, et al. Database accession no. 131-57769, XP002174983 (1998)	
	BQ	Slavik, et al. <i>Acta Virologica</i> (1993) 37(6):449-458	
	BR	Tamura, et al. <i>J. Immunol.</i> (1992) 149:981-988	

Examiner Signature	Date Considered
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B (08-03)

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/771,737		
		Filing Date	February 3, 2004		
		First Named Inventor	Burt, David S.		
		Art Unit	1648		
		Examiner Name			
Sheet	3	of	3	Attorney Docket Number	021989-000411US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	BS	Lowell, G.H. in: <i>New Generation Vaccines</i> , G.C. Woodrow and M.M. Levine eds., Marcel Dekker, Inc., New York, (1990), p.141-160; 325-348	
	BT	Lowell, et al. <i>Journal of cell biochem</i> (1995) S19A	
	BU	Lowell, et al. <i>American Soc for microbiol. 2nd Natl Conf.</i> (1995) p.81	
	BV	Lowell, et al. <i>Infect. &amp; Imm</i> (1996) 64(5):1706-1713	
	BW	Lowell, et al. <i>Infect. &amp; Imm.</i> (1996) 64(11):4686-83	
	BX	Lowell, et al. <i>Journal of Infectious diseases</i> (1997) 175(2):282-301	
	BY	Mallett, C.P., et al. <i>Infect. Immun.</i> (1995) 63:2382-2386	
	BZ	Orr, N., et al. <i>Infect. Immun.</i> (1993) 61:2360	

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